UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

Tara Rhodes, Plaintiff, v. Mississippi County, Missouri, Cory Hutcheson, Carol Manning, Faith Altamirano, Sally Faye Gammons, Terri Lynn Bowman, First Name Unknown Henry, and First Name Unknown Lee, Defendants.	No. 1:16-cv-84 **JURY TRIAL DEMANDED**

COMPLAINT

INTRODUCTION

1. Plaintiff, Tara Rhodes, seeks judgment against Defendants Cory Hutcheson, Carol Manning, Faith Altamirano, Mr. Henry (first name unknown), Sally Faye Gammons, Mr. Lee (first name unknown), and Terri Lynn Bowman for violation of her rights under the Eighth Amendment to the Constitution of the United States; violation of her rights under the Missouri Constitution; battery; and intentional infliction of emotional distress. Plaintiff also seeks judgment against Defendant Mississippi County, Missouri, for maintaining a custom or policy of mistreating pregnant inmates in violation of their constitutional rights and failing to train and supervise correctional officers resulting in the violation of inmates' rights.

Jurisdiction and Venue

2. This action arises under the Constitution of the United States, the provisions of 42 U.S.C. § 1983, the Missouri Constitution, and Missouri law.

3. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343(a).

4. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and L.R. 3.1(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in Mississippi County, Missouri.

Parties

6. Plaintiff, Tara Rhodes, is a resident of the State of Missouri.

7. Defendant Mississippi County, Missouri, is a political subdivision of the State of Missouri and operates the Mississippi County Detention Center (MCDC), a jail located in Mississippi County, Missouri.

8. Defendant Cory Hutcheson was the Jail Administrator of MCDC and an employee of Defendant Mississippi County at all times relevant to this complaint. As jail administrator, he was responsible for the daily operations of the MCDC and, upon information and belief, the policymaker for Mississippi County with respect to the operations of the MCDC. He is sued in his individual capacity only.

9. Defendant Carol Manning was an employee of Defendant Mississippi County at all times relevant to this complaint. She is sued in her individual capacity only.

10. Defendant Faith Altamirano was an employee of Defendant Mississippi County at all times relevant to this complaint. She is sued in her individual capacity only.

11. Defendant Mr. Henry, whose first name is unknown to Plaintiff, was an employee of Defendant Mississippi County at all times relevant to this complaint. He is sued in his individual capacity only.

12. Defendant Sally Faye Gammons was an employee of Defendant Mississippi County at all times relevant to this complaint. She is sued in her individual capacity only.

13. Defendant Mr. Lee, whose first name is unknown to Plaintiff, was an employee of Defendant Mississippi County at all times relevant to this complaint. He is sued in his individual capacity only.

14. Defendant Terri Lynn Bowman was an employee of Defendant Mississippi County at all times relevant to this complaint. She is sued in her individual capacity only.

15. Defendants acted under color of state law at all times relevant to this complaint.

Facts

16. On September 8, 2014, Plaintiff was incarcerated at MCDC.

17. At all times relevant to this complaint, all medical requests, hospital visits, and doctor appointments at MCDC were approved or denied by the jail administrator, Defendant Hutcheson, before they are responded to or carried out by jail staff.

18. On September 18, 2014, Plaintiff filled out and submitted to MCDC staff a medical request form indicating that she was having abdominal pains and requested a pregnancy test.

19. A pregnancy test was administered, and the results confirmed that Plaintiff was pregnant.

20. Plaintiff was in her first trimester when she arrived at MCDC in September 2014.

21. On October 10, 2014, Plaintiff filled out and submitted to MCDC staff a medical request form indicating that she had been bleeding (spotting) and cramping on and off for the preceding three weeks.

22. Jail records from October 14, 2014, note that Plaintiff was pregnant, bleeding, and in pain. Notes in the records also indicate that, as of October 14, 2014, Plaintiff needed an ultrasound to rule out an ectopic pregnancy.

23. On October 19, 2014, Plaintiff filled out and submitted to MCDC staff a medical request form indicating that she was still having pain on her side, as well as heartburn.

24. On October 31, 2014, while Plaintiff was incarcerated at MCDC, she was taken to an appointment with Sara Meyer, M.D., an obstetrician at St. Francis Medical Center in Cape Girardeau, Missouri.

25. Plaintiff was taken to the October 31, 2014 appointment in an MCDC transport vehicle by two MCDC correctional officers, Defendant Altamirano and Defendant Henry. Plaintiff's wrists and ankles were shackled during transport, and there was a chain around her abdomen.

26. At the October 31, 2014 appointment, Plaintiff was eleven weeks pregnant and was diagnosed as having a high-risk pregnancy.

27. On October 31, 2014, Dr. Meyer faxed a letter to MCDC stating that Plaintiff's pregnancy was considered "high risk," Plaintiff's due date was May 21, 2015, and that, because her pregnancy was high risk, it was important for Plaintiff to have "urgent/emergent access to healthcare" and for Dr. Meyer to have the ability "to make contact with the patient in a timely fashion."

28. No later than October 31, 2014, MCDC staff knew that Plaintiff's pregnancy presented a potential risk to her health or safety.

29. Plaintiff's pregnancy constituted a serious medical need, and MCDC staff knew she was pregnant, that her pregnancy was diagnosed as high-risk, and that she needed urgent/emergent access to healthcare.

30. Plaintiff posted bond and was released from MCDC after her doctor appointment on October 31, 2014.

31. On December 1, 2014, Plaintiff was fifteen weeks pregnant and not in custody. She scheduled and went to a follow-up prenatal appointment with Dr. Meyer.

32. At Plaintiff's December 1, 2014 appointment, Plaintiff had an ultrasound that indicated the presence of choroid plexus cysts on the fetus.

33. Plaintiff was then referred by Dr. Meyer to Naomi Wahl, M.D., an obstetrician specializing in high-risk pregnancy at Cape Perinatology Services in Cape Girardeau, Missouri.

34. On December 11, 2014, when Plaintiff was seventeen weeks pregnant, she went to a prenatal appointment with Dr. Wahl.

35. Gina Lummis, who planned to adopt Plaintiff's baby, accompanied Plaintiff to the December 11, 2014 doctor appointment.

36. On December 11, 2014, Plaintiff was advised by Dr. Wahl to return, and she scheduled a follow-up appointment.

37. On December 15, 2014, Plaintiff was arrested and booked at MCDC. At this time, MCDC staff, including Defendant Hutcheson, knew that Plaintiff was pregnant, that her pregnancy was considered high risk, and that she needed urgent/emergent access to healthcare.

38. On December 18, 2014, while incarcerated at MCDC, Plaintiff began experiencing abdominal pain and leaking fluids from her vagina. Plaintiff was leaking fluids so severely that her pants became soaked.

39. Plaintiff, who has previously given birth, knew that she needed immediate medical attention and believed she was going into preterm labor.

40. Other inmates and MCDC staff were aware that Plaintiff was leaking fluids, and her clothes became visibly soaked.

41. On December 18, 2014, Plaintiff notified several MCDC staff members that she was leaking fluids and having abdominal pain in an effort to obtain medical attention.

42. Despite alerting MCDC staff to her serious medical condition, Plaintiff was told by Defendant Manning that she would have to wait until December 23, 2014, to see a medical professional.

43. On December 18, 2014, Plaintiff was instructed by Defendant Altamirano to use tampons to absorb the leaking fluids.

44. On December 19, 2014, Plaintiff again requested medical attention from MCDC staff multiple times and did not receive it.

45. On December 20, 2014, in addition to requesting medical attention from MCDC staff multiple times, Plaintiff also filled out a grievance form in which she stated that she was in preterm labor, leaking fluids, and asked for help. Pursuant to MCDC policy and procedure, Plaintiff left the form in the slot in the door of her cell and it was picked up by MCDC staff. MCDC never responded to her grievance and never returned the form.

46. On December 21, 2014, Plaintiff again requested medical attention from MCDC staff multiple times and did not receive it.

47. On December 22, 2014, in addition to leaking fluids and having abdominal pains, Plaintiff began passing blood clots.

48. On December 22, 2014, in an attempt to get the medical attention she had been requesting repeatedly since December 18, 2014, Plaintiff showed Defendant Gammons her wet pants.

49. Defendant Gammons consulted with Defendant Manning, after which Defendant Gammons told Plaintiff that she would have to wait until December 23, 2014, to see a medical professional.

50. Defendant Manning told Plaintiff that she would be transferred to the Department of Corrections on the morning of December 23, 2014.

51. After speaking with Defendant Hutcheson about Plaintiff's complaints, Defendant Altamirano told Plaintiff that she did not know where she was coming up with the fluids and blood clots but that she needed "to stop."

52. Defendant Hutcheson was kept informed of Plaintiff's condition and her medical requests, all of which were either ignored or denied by MCDC staff.

53. On December 22, 2014, Defendant Manning completed a State of Missouri Department of Corrections Transfer/Receiving Screening – Medical/Mental Health form and noted Plaintiff's "current medical problem" as "pregnant" and "follow-up care needed" was as needed. The form did not indicate that Plaintiff had a high-risk pregnancy, was leaking fluids, having abdominal pains, passing blood clots, or in preterm labor.

54. On the evening of December 22, 2014, Plaintiff was taken to a holding cell where she remained overnight. After Plaintiff informed MCDC staff—including Defendant Hutcheson—that she could not walk because of her condition, Defendant Hutcheson

instructed Defendant Lee and Defendant Altamirano to drag Plaintiff on her sleeping mat from the pod she was housed in to the holding cell. Defendant Lee and Defendant Altamirano dragged Plaintiff on her mat to the holding cell.

55. While in the holding cell, Plaintiff was crying, leaking fluids, bleeding, experiencing abdominal pain, and believed she was in preterm labor. Plaintiff pounded on the door of the holding cell in an attempt to alert MCDC staff that she needed immediate medical attention. In response to her pleas, Plaintiff was told my MCDC staff that, if she did not stop pounding on the door, she would be physically restrained to a chair.

56. While Plaintiff was in the holding cell awaiting transport, Defendant Altamirano instructed her to pull down her pants and underwear and spread her legs, and after looking at Plaintiff's vaginal area, Defendant Altamirano informed Plaintiff that she did not see anything coming out.

57. Each day, from December 18, 2014, through December 23, 2014, Plaintiff repeatedly told MCDC staff that she was in pain, leaking fluids, bleeding, and requested medical attention.

58. MCDC staff knew of Plaintiff's need for medical attention, and they repeatedly and continually disregarded an excessive risk to Plaintiff's health and safety.

59. MCDC staff were aware that Plaintiff had an objectively serious medical need when they repeatedly refused her requests for immediate medical attention. Plaintiff's serious medical need was both obvious to a layperson and supported by medical evidence, in that it had been diagnosed by a physician as requiring treatment.

60. Around 6:00 a.m. on December 23, 2014, Plaintiff received her personal property from MCDC staff, was shackled at the wrists and ankles and around her abdomen with a chain

by Defendant Henry, placed in a transport vehicle, and taken to Women's Eastern Reception, Diagnostic and Correctional Center (WERDCC), located in Vandalia, Missouri. Before being placed in the transport vehicle, but after being shackled, Plaintiff waited for approximately one additional hour in the holding cell, where she continued to experience severe pain, leak fluids, bleed, and request medical attention.

61. Plaintiff was released from MCDC on December 23, 2014, by Defendant Altamirano.

62. WERDCC is approximately 243 miles from MCDC.

63. The drive from MCDC to WERDCC took approximately five hours.

64. Plaintiff did not see any medical professional before being shackled and transferred to WERDCC on December 23, 2014.

65. Two MCDC guards, Defendant Henry and Defendant Bowman, accompanied Plaintiff, along with two other inmates, in the transfer vehicle to WERDCC. Defendant Henry drove the transport vehicle.

66. Plaintiff, who remained shackled at the wrists and ankles with a chain around her abdomen during the transport, continued to leak fluids, bleed, and have abdominal pains during the entire transport to WERDCC. Plaintiff made continued requests for medical attention during the transport.

67. On the way to WERDCC, Defendant Henry and Defendant Bowman stopped the transport vehicle at a gas station near St. Louis, Missouri. At this time, Plaintiff's pants were soaking wet from her vaginal area down to her ankles from the fluids she was leaking. Defendant Henry and Defendant Bowman did not take Plaintiff to a hospital and did not stop to get her any medical attention.

68. When Plaintiff arrived at WERDCC, her clothes were soaking wet from her vaginal discharge that had become green in color.

69. Approximately one hour after arriving at WERDCC, Plaintiff was seen by a WERDCC nurse. Plaintiff told the nurse that she was pregnant, leaking fluids, and had been passing large blood clots. Plaintiff also told the nurse that her pregnancy was high risk. The nurse called a doctor.

70. After the WERDCC nurse spoke with a doctor, Plaintiff was taken in a DOC vehicle to Audrain Medical Center in Mexico, Missouri.

71. Audrain Medical Center is located thirty miles from WERDCC.

72. Plaintiff was admitted to Audrain Medical Center at 3:03 p.m. on December 23, 2014, nine hours after leaving MCDC and five days after informing multiple MCDC staff members that she was leaking fluids and needed immediate medical attention.

73. When Plaintiff arrived at Audrain Medical Center she was nineteen weeks pregnant.

74. Plaintiff was admitted at Audrain Medical Center for preterm labor.

75. Upon arrival at Audrain Medical Center, Plaintiff's cervix was two centimeters dilated, she had ruptured membranes, and there were fetal parts in her vagina; specifically, there was a "prolapsing cord down to the vaginal introitus and a foot in the vagina." No amniotic fluid was observed and the umbilical cord was non-pulsating.

76. Plaintiff was treated by Clark Andelin, M.D., at Audrain Medical Center. Dr. Andelin informed Plaintiff that although her baby still had a heartbeat, it was without oxygen and an abortion was "inevitable."

77. At approximately 7:00 a.m. on December 24, 2014, Plaintiff delivered a stillborn baby boy at Audrain Medical Center. The baby's foot that had protruded into Plaintiff's vagina was blackened in appearance upon delivery.

78. After delivery, Plaintiff underwent a dilation and curettage at her bedside to extract placental tissue after hemorrhage and then went to the operating room for a suction dilation and curettage procedure.

79. Plaintiff's water had broken five days before she arrived at Audrain Medical Center, on December 18, 2014, at approximately 5:00 p.m., the same day that she began asking for immediate medical attention from MCDC staff and alerted them that she was leaking fluids.

80. Plaintiff suffered emotional, physical, and mental distress as a result of Defendants' acts and omissions.

COUNT I
42 U.S.C. § 1983 - Eighth Amendment
Denial of Medical Care
Against Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman

81. Plaintiff incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.

82. No later than September 18, 2014, Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman were aware that Plaintiff was pregnant.

83. No later than October 31, 2014, Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman knew that Plaintiff's pregnancy was diagnosed by her physician as high risk and required urgent/emergent access to medical treatment.

84. Beginning on December 18, 2014, Plaintiff made repeated requests for immediate medical attention to MCDC staff, including Defendants Hutcheson, Altamirano,

Manning, and Gammons, and informed them that she was leaking fluids and passing blood clots.

85. Plaintiff requested medical attention every day from December 18 up and until she was transferred to WERDCC on December 23, 2014.

86. On December 18, 2014, Defendant Manning informed Plaintiff that she could not see a nurse practitioner until December 23, 2014.

87. On December 18, 2014, Defendant Altamirano told Plaintiff to use tampons to absorb the fluids she was leaking from her vagina.

88. On December 22, 2014, Plaintiff was told by Defendant Gammons—after Defendant Gammons consulted with Defendant Manning—that she could not see a nurse practitioner until December 23, 2014.

89. On December 22, 2014, Defendant Altamirano instructed Plaintiff to remove her pants and underwear and spread her legs. Defendant Altamirano then looked at Plaintiff's vaginal area and told Plaintiff that she did not see anything coming out.

90. On December 22, 2014, at the direction of Defendant Hutcheson, Defendant Lee and Defendant Altamirano dragged Plaintiff from her pod to a holding cell on her sleeping mat.

91. On December 23, 2014, while nineteen weeks pregnant and in preterm labor, Plaintiff was shackled by Defendant Henry, placed in a transport vehicle, and driven from MCDC to WERDCC in Vandalia, Missouri, a drive that took approximately five hours.

92. Defendant Henry and Defendant Bowman accompanied Plaintiff from MCDC to WERDCC. Defendant Henry drove the transport vehicle.

93. During the transport, Plaintiff continued to experience vaginal discharge that had become green in color. Plaintiff continued to ask for help during the transport.

94. Defendant Henry and Defendant Bowman stopped at a gas station on the way to Vandalia, Missouri, but they did not take Plaintiff to a hospital and she was provided no medical attention despite her obvious need.

95. Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman knew there was a substantial risk that Plaintiff was in preterm labor, and her need for medical attention was obvious even to a layperson. Nevertheless, Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman intentionally refused to allow Plaintiff to obtain appropriate medical care or to take any other reasonable measures to deal with Plaintiff's condition, despite a clear direction from Plaintiff's doctor that she have access to immediate medical care.

96. By their acts and omissions, Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman intentionally injured Plaintiff without just cause.

97. The acts and omissions of Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman, with respect to Plaintiff, constitute cruel and unusual punishment in violation of the Eighth Amendment to the Constitution of the United States.

98. The acts and omissions of Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman, with respect to Plaintiff constitute deliberate indifference to her serious medical needs in violation of the Eighth Amendment to the Constitution of the United States.

99. Plaintiff suffered damages, including physical and emotional injury, as a result of Defendants' acts and omissions.

WHEREFORE, Plaintiff prays this Court:

A. Enter judgment in favor of Plaintiff and against Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman;

B. Award Plaintiff compensatory and punitive damages against Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman for violation of Plaintiff's constitutional rights under color of state law;

C. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and

D. Allow such other and further relief as the Court deems just and proper.

COUNT II

42 U.S.C. § 1983 - Eighth Amendment
Excessive Force
Against Defendants Henry and Bowman

100. Plaintiff incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.

101. Around 6:00 a.m. on December 23, 2014, Plaintiff received her personal property from MCDC, at which time Defendant Henry shackled her at the wrists and ankles with a chain around her abdomen.

102. Plaintiff was in preterm labor when Defendant Henry shackled her.

103. After being shackled, Plaintiff was locked in a holding cell for approximately one hour before being placed in the transport vehicle.

104. Defendant Henry's shackling of Plaintiff while she was in a holding cell was an excessive use of force, applied maliciously and sadistically for the purpose of causing harm and not in a good faith effort to achieve a legitimate purpose.

105. After waiting in the holding cell, Plaintiff was placed in the transport vehicle and driven to WERDCC by Defendant Henry and Defendant Bowman.

106. Plaintiff was shackled at all times during transport, despite being in preterm labor.

107. The continued shackling of Plaintiff during transport was an excessive use of force, applied maliciously and sadistically for the purpose of causing harm and not in a good faith effort to achieve a legitimate purpose.

108. Plaintiff suffered damages, including physical and emotional injury, as a result of Defendant Henry and Defendant Bowman's acts and omissions.

WHEREFORE, Plaintiff prays this Court:

A. Enter judgment in favor of Plaintiff and against Defendants Henry and Bowman;

B. Award Plaintiff compensatory and punitive damages against Defendants Henry and Bowman for violation of Plaintiff's constitutional rights under color of state law;

C. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and

D. Allow such other and further relief as the Court deems just and proper.

COUNT III
42 U.S.C. § 1983 - Municipal Liability
Against Defendant Mississippi County, Missouri

109. Plaintiff incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.

110. Defendant Mississippi County developed and maintained policies and customs exhibiting deliberate indifference to Plaintiff's constitutional rights.

111. Defendant Mississippi County failed to train and supervise MCDC staff on the rights of pregnant inmates, thereby demonstrating a deliberate indifference to Plaintiff when it left her in the care and custody of untrained and improperly supervised MCDC staff members while she was pregnant.

112. Upon information and belief, Defendant Hutcheson, as the jail administrator, was the highest ranking MCDC official, had direct management supervision over the jail staff, and was responsible for setting and implementing County policy with respect to the jail. In the alternative, Defendant Hutcheson was inadequately trained and supervised by Defendant Mississippi County.

113. In additional to verbally requesting medical attention, Plaintiff submitted several written medical requests to MCDC staff.

114. Defendant Hutcheson required all medical requests to go through him for approval or denial.

115. Defendant Hutcheson personally knew about Plaintiff's requests for medical treatment and directed MCDC staff to refuse Plaintiff access to medical care.

116. Defendant Hutcheson did not take any corrective action to address Plaintiff's serious medical needs.

117. At the time of the above-described series of events it was the custom or policy of Defendant Mississippi County to inadequately supervise and train its correctional officers with respect to the care of pregnant inmates, thereby evidencing a deliberate indifference to Plaintiff's constitutional rights.

118. Defendant Mississippi County was deliberately indifferent to Plaintiff's constitutional rights by failing to have a policy in place to protect the rights of pregnant inmates.

119. Defendant Mississippi County's customs and policies, including but not limited to shackling and chaining pregnant inmates and ignoring a pregnant inmate's serious medical condition and requests for medical attention, demonstrate both excessive force and deliberate indifference to the constitutional rights of pregnant women within MCDC and caused the violation of Plaintiff's rights alleged herein.

120. Plaintiff requested medical attention multiple times from several different MCDC staff members from December 18, 2014, up and until she was transferred to WERDCC on December 23, 2014.

121. Plaintiff was told on at least two occasions by MCDC staff that she would have to wait several days to see any healthcare provider.

122. The need for training of MCDC staff on the rights of pregnant inmates is obvious, and the lack of training by Mississippi County was so inadequate that it was likely to result in violating the rights of pregnant inmates, including Plaintiff.

123. Defendant Mississippi County's failure to supervise MCDC staff constituted a tacit authorization of the offensive acts.

124. As a direct and proximate result of Defendant Mississippi County's customs and policies, Plaintiff sustained damages.

WHEREFORE, Plaintiff prays this Court:

A. Enter judgment in favor of Plaintiff and against Defendant Mississippi County;

B. Issue an injunction requiring Defendant Mississippi County to develop and implement adequate training programs for its correctional officers about individual rights under the Eighth Amendment;

C. Award Plaintiff compensatory damages against Defendant Mississippi County for violation of Plaintiff's constitutional rights under color of state law;

D. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and

E. Allow such other and further relief as the Court deems just and proper.

COUNT IV
State Law Claim - Declaratory Judgment
Violation of Missouri Constitution Article 1, § 21
Against Defendants Mississippi County, Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman

125. Plaintiff incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.

126. No later than September 18, 2014, Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman knew that Plaintiff was pregnant.

127. No later than October 31, 2014, Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman knew or should have known that Plaintiff's pregnancy was high risk, that she had a due date of May 21, 2015, and that it was important for Plaintiff to have urgent/emergent access to healthcare and for her obstetrician to have the ability to make contact with Plaintiff in a timely fashion.

128. Beginning on December 18, 2014, Plaintiff made repeated requests for immediate medical attention to MCDC staff, including Defendants Hutcheson, Altamirano, Manning, and Gammons, and informed them that she was leaking fluids and passing blood clots.

129. Plaintiff requested medical attention every day from December 18 up and until she was transferred to WERDCC on December 23, 2014.

130. Defendant Altamirano told Plaintiff to use tampons to absorb the leaking fluids.

131. In addition to verbally seeking medical assistance between December 18 and December 23, 2014, Plaintiff also filled out a grievance form on December 20, 2014.

132. On December 22, 2014, Plaintiff began passing blood clots and showed Defendant Gammons her pants that were wet from leaking fluids from her vagina. Defendant Gammons consulted with Defendant Manning, after which Plaintiff was again told she would not see a medical professional until December 23, 2014.

133. Defendant Altamirano told Plaintiff that she did not know where she was coming up with the fluids and blood clots but that she needed "to stop."

134. Defendant Hutcheson knew of Plaintiff's medical requests and refused to provide her with any medical attention.

135. Despite Plaintiff's many requests for medical attention and being told that she could see a nurse practitioner on December 23, 2014, instead of allowing her to see a nurse practitioner, Defendants Henry and Bowman transported Plaintiff to WERDCC, a facility located approximately 243 miles from MCDC in Vandalia, Missouri.

136. During the transport, Plaintiff was shackled at the wrists and ankles and she continued to leak fluids, including a greenish fluid, from her vagina.

137. Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman knew that Plaintiff was pregnant with a high risk pregnancy, there was a substantial risk that Plaintiff was in preterm labor, and Plaintiff's need for medical attention was obvious even to a layperson. Nevertheless, Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman intentionally refused to allow Plaintiff to obtain the medical care needed or to take any other reasonable measures to deal with Plaintiff's condition.

138. By their acts and omissions, Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman intentionally injured Plaintiff without just cause.

139. The acts and omissions of Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman with respect to Plaintiff constitute cruel and unusual punishment prohibited by Article 1, § 21 of the Missouri Constitution.

140. Plaintiff requested medical attention from multiple MCDC staff members over several days and was repeatedly refused any medical attention. Because it has inadequate training programs for MCDC staff, Defendant Mississippi County injured Plaintiff without just cause.

141. Plaintiff suffered damages, including physical and emotional injury, as a result of Defendant Mississippi County and Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman's acts and omissions.

WHEREFORE, Plaintiff prays this Court:

A. Enter judgment in favor of Plaintiff and against Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman;

B. Enter a declaration pursuant to Missouri Revised Statutes § 527.010 that all Defendants violated Article 1, § 21 of the Missouri Constitution;

C. Issue an injunction requiring Defendant Mississippi County to change its custom and policy of violating the constitutional rights of pregnant inmates and develop and implement adequate training programs for its correctional officers about individual rights under Article 1, § 21 of the Missouri Constitution;

D. Award Plaintiff reasonable attorneys' fees and costs; and

E. Allow such other and further relief as the Court deems just and proper.

COUNT V
State Law Claim - Intentional Infliction of Emotional Distress
Against Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman

142. Plaintiff incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.

143. Defendants' Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman's acts constitute extreme and outrageous conduct that caused both extreme emotional distress and bodily harm to Plaintiff. Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman's actions were done intentionally or recklessly to harm Plaintiff.

144. Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman's actions were so outrageous in character and extreme in degree as to go beyond all possible bounds of decency.

145. Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman's extreme and outrageous behavior caused Plaintiff to suffer physical injury, as well as severe and extreme emotional distress.

WHEREFORE, Plaintiff prays this Court:

A. Enter judgment in favor of Plaintiff and against Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman;

B. Award Plaintiff compensatory damages against all Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman;

C. Award Plaintiff punitive damages against all Defendants Hutcheson, Manning, Altamirano, Henry, Gammons, Lee, and Bowman; and

D. Allow such other and further relief as the Court deems just and proper.

COUNT VI

State Law Claim – Battery

Against Defendants Altamirano, Henry, Lee, and Bowman

146. Plaintiff incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.

147. Defendant Altamirano and Defendant Lee dragged Plaintiff on her sleeping mat from the pod she was housed in to the holding cell.

148. While in a holding cell, Defendant Altamirano instructed Plaintiff to pull down her pants and underwear and spread her legs. Defendant Altamirano then looked at Plaintiff's vaginal area and told Plaintiff that she did not see anything coming out.

149. Plaintiff was placed in shackles and handcuffs, including a chain around her abdomen, placed her in the transport van, and transported Plaintiff to WERDCC, all while Plaintiff was in preterm labor.

150. Plaintiff was transported from MCDC to WERDCC by Defendant Henry and Defendant Bowman.

151. Plaintiff was in preterm labor, had difficulty walking, and was leaking fluids and a green discharge during transport to WERDCC. Plaintiff continued to ask for medical attention.

152. Defendants' acts used more force than was reasonably necessary.

153. Defendants' acts caused Plaintiff to suffer bodily harm.

WHEREFORE, Plaintiff prays this Court:

A. Enter judgment in favor of Plaintiff and against Defendants Altamirano, Henry, Lee, and Bowman;

B. Award Plaintiff compensatory damages against Defendants Altamirano, Henry, Lee, and Bowman;

C. Award Plaintiff punitive damages against Defendants Altamirano, Henry, Lee, and Bowman;

D. Allow such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Anthony E. Rothert
ANTHONY E. ROTHERT, #44827MO
JESSIE STEFFAN, #64861MO
ACLU of Missouri Foundation
454 Whittier Street
St. Louis, Missouri 63108
Phone: (314) 652-3114
Fax: (314) 652-3112
trothert@aclu-mo.org
jsteffan@aclu-mo.org

GILLIAN R. WILCOX, #61278MO
ACLU of Missouri Foundation
406 W 34th Street
Suite 420
Kansas City, Missouri 64111
Phone: (816) 470-9938
gwilcox@aclu-mo.org

ATTORNEYS FOR PLAINTIFF